

FR 55623, discusses U.S. EPA's interpretation of the RACT requirement.

By this action, U.S. EPA is proposing to approve the State's commitment to adopt NO_x RACT rules.

IV. Implications of Committal SIP Revision

The U.S. EPA is proposing to approve the commitment for adoption of NO_x RACT rule(s) as a SIP revision submitted to U.S. EPA for Lake and Porter Counties and Clark and Floyd Counties as submitted on December 3, 1992. Section 110(k)(4) of the Act provides that, where U.S. EPA takes final action to conditionally approve a commitment to submit a SIP or portion of a SIP, the State must fulfill that commitment (i.e., submit the required SIP or portion thereof) within one year following U.S. EPA approval. If the State does not fulfill its commitment by submitting the SIP or revision to U.S. EPA within that year, the Act requires that the SIP be disapproved. If U.S. EPA disapproves the SIP for failing to meet the commitment, there are several additional consequences. As provided under section 179(a) of the Act, the State of Indiana would have up to 18 months after a final SIP disapproval to correct the deficiencies that are the subject of the disapproval before U.S. EPA is required to impose one of the two sanctions set forth in section 179(b) of the Act: either highway sanctions or new source review offsets of 2 to 1. If the State has not corrected its deficiencies within 6 months thereafter, U.S. EPA must impose the second sanction. Any sanction U.S. EPA imposes must remain in place until U.S. EPA determines that the State has come into compliance. Note also that any final disapproval would trigger the requirement for U.S. EPA to impose a Federal Implementation Plan as provided under section 110(c)(1) of the Act.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision of any SIP. U.S. EPA shall consider each request for revision of the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Public comment is solicited on the State's submittal and on all aspects of U.S. EPA's proposed approval of the State's submittal. Comments received by the date listed above will be considered in the development of U.S. EPA's final rule.

This action has been classified as a Table 2 Action by the Regional Administrator under the procedures

published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions from the requirement of section 3 of Executive Order 12291 for a period of two years. U.S. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on U.S. EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, U.S. EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, U.S. EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on affected small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids U.S. EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

List of Subjects in 40 CFR Part 51

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: October 20, 1993.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 93-29512 Filed 12-1-93; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 300

[FRL-4806-6]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Monroe Township Landfill Site from the National Priorities List: Request for Comments.

SUMMARY: The United States Environmental Protection Agency (EPA), Region II, announces its intent to delete the Monroe Township Landfill Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B to the National Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the New Jersey Department of Environmental Protection and Energy (NJDEPE) have determined that the responsible party has implemented all appropriate response actions required and that no further response is appropriate under CERCLA. In addition, EPA and NJDEPE have determined that remedial activities conducted to date at the site have been protective of public health, welfare, and the environment.

DATES: Comments concerning the deletion of the Monroe Township Landfill Site from the NPL may be submitted on or before January 3, 1994.

ADDRESSES: Comments should be submitted to: John Osolin, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 747, New York, New York 10278.

Comprehensive information on the Monroe Township Landfill Site is contained in the NJDEPE public docket and is available for viewing, by appointment only, at: George Tamaccio, NJDEPE-Bureau of Community Relations, 401 East State Street, CN 413, Trenton, NJ 08628 Phone: (609) 984-3081, 8:30 a.m. to 4:30 p.m.—Monday through Friday (excluding holidays).

Information on the Site is also available for viewing at the Monroe

Township Landfill Site Administrative Record Repositories located at:

Monroe Township Municipal Complex,
Perrinville Road, Jamesburg, NJ
08831, Phone: (908) 521-4400
Jamesburg Public Library, 229 Gatzmer
Road, Jamesburg, NJ 08831 Phone:
(908) 521-0440.

SUPPLEMENTARY INFORMATION:

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- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

EPA Region II announces its intent to delete the Monroe Township Landfill Site from the NPL and requests public comment on this deletion. The NPL is appendix B to the NCP, which EPA promulgated pursuant to section 105 of CERCLA, as amended. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (the Fund). Pursuant to § 300.425 (e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions, if conditions at the site warrant such action.

EPA will accept comments concerning the deletion of the Monroe Township Landfill Site from the NPL for 30 days after publication of this notice in the **Federal Register** until January 3, 1994.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Monroe Township Landfill Site meets the NPL deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e)(1)(i)-(iii), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with NJDEPE, will consider whether any of the following criteria has been met:

- (i) Responsible or other persons have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or to the environment and, therefore, taking remedial measures is not appropriate.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 300.425(e)(3) of the NCP states: "All releases deleted from the NPL are eligible for further Fund-financed remedial actions should future conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the HRS (Hazard Ranking System)."

III. Deletion Procedures

The NCP provides that EPA shall not delete a site from the NPL until the State in which the release was located has concurred, and the public has been afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts. The NPL is designed primarily for information purposes and to assist Agency management.

EPA Region II will accept and evaluate public comments before making a final decision to delete this site. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be most pertinent to deletion decisions. The following procedures were used for the intended deletion of the Monroe Township Landfill Site:

1. EPA Region II has recommended deletion and has prepared the relevant documents.
2. The NJDEPE has concurred with the deletion decision.
3. Concurrent with the Notice of Intent to Delete, a notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties. This notice announces a 30 day public comment period on the deletion package starting on December 2, 1993, and concluding on January 3, 1994.

The comments received during the comment period will be evaluated before any final decision is made. EPA Region II will prepare a Responsiveness Summary which will address the comments received during the public comment period.

If, after consideration of these comments, EPA decides to proceed with the deletion, the EPA Regional

Administrator will place a Notice of Deletion in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by EPA Region II.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for recommending deletion of the Monroe Township Landfill Site, Middlesex County, New Jersey, from the NPL.

The Monroe Township Landfill is located on an 86-acre site in Middlesex County, New Jersey. Monroe Township was the original owner and operator of the landfill and continues to own the property. The Township operated the landfill from the mid-1950s until 1968 when it was leased to Princeton Disposal Service for operation under the service contract to the Township. Browning-Ferris Industries of South Jersey (BFISJ) acquired Princeton Disposal Service in 1972 and operated the landfill until 1978. The NJDEPE ordered the site closed in 1978, when leachate outbreaks seeped onto Lani Street.

On October 19, 1979, an Administrative Consent Order (ACO) was signed by BFISJ and NJDEPE establishing methods and schedules for designing and implementing a closure plan. In accordance with the 1979 ACO, the following remedial measures were completed in 1984:

- Installation of a 7,000-foot long compacted clay cut-off wall circumscribing most of the site;
- Construction and operation of a leachate collection and storage system which discharges to a Publicly Owned Treatment Works under a New Jersey Pollutant Discharge Elimination System Permit; and
- Construction of a protective clay cap covering the northern portion of the site and a soil cap covering the remainder of the site.

The site was proposed for inclusion on the Superfund National Priorities List by a notice published in the **Federal Register** (47 FR 58476), on December 30, 1982. On September 8, 1983, the site was formally placed on the NPL by a notice published in the **Federal Register** (48 FR 40658).

On December 29, 1986, BFISJ and the NJDEPE signed another ACO and the following additional remedial measures were completed between 1987 and 1991:

- Upgrading the soil erosion and sediment control systems by replacing former channels with rip-rap lined

channels and upgrading the sedimentation basin;

- Installation of a seven-foot high chain-link fence surrounding the site to prevent unauthorized access;
- Closure of the previous leachate storage lagoon and construction of an underground leachate storage tank;
- Installation of an emergency power generator as a contingency for the leachate collection system in case of power failure; and
- Installation of 13 gas vents for gas ventilation under a New Jersey Air Pollution Control Permit.

In accordance with the 1979 and 1986 ACOs, a Remedial Investigation (RI) comprising several environmental investigations was performed. The RI developed a conceptual model of the site hydrogeology and assessed the nature and extent of contamination in various environmental media including ground water, surface water, surface soil, stream sediments and landfill gas. All samples were analyzed for Target Compound List/Target Analyte List compounds. The analytical results indicated no significant levels of contaminants in soil, surface water and sediments. Contaminants detected in the gas vents were within the permit limits. Some contaminants were detected in on-site ground water (within the containment wall) including arsenic, cadmium, lead, nickel, benzene, chlorobenzene, 1,2-dichloroethane, 1,1-dichloroethene and vinyl chloride. Arsenic levels are attributed to natural background conditions. Although low levels of contaminants were detected in one on-site monitoring well located outside the containment wall, no discernible contaminant plume was found. In addition, no contaminants were detected in the off-site monitoring wells installed downgradient of this location. Furthermore, ground-water modeling has indicated that natural attenuation will prevent the off-site migration of contaminants which are above levels of concern.

A Risk Assessment (RA) was performed based on the results of the RI. The RA concluded that the Site poses no current or future unacceptable risk to public health and the environment.

Based on the results of RI and the RA, it appears that the source control measures undertaken by BFISJ are effective in controlling any off-site migration of contaminants. Therefore, on April 23, 1993, NJDEPE signed a Record of Decision (ROD) for this site, selecting "No Further Action" to address this site. The ROD also calls for the implementation of a ground-water monitoring program and maintenance of the existing source control measures

system. BFISJ will be required to begin monitoring selected on-site and off-site ground-water monitoring wells within six (6) months of signing the ROD. This monitoring will be conducted on a quarterly basis for the first five years and thereafter on a yearly basis.

Because this remedy will result in hazardous substances remaining at the site, a review will be conducted within five (5) years of signing the ROD to ensure that the remedy continues to provide adequate protection of human health and the environment.

Having met the deletion criteria, EPA proposes to delete this site from the NPL. EPA and NJDEPE have determined that the response actions conducted to date are protective of human health and the environment.

Dated: October 26, 1993.

Kathleen C. Callahan,

Acting Regional Administrator.

[FR Doc. 93-29144 Filed 12-1-93; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-181, RM-7696, RM-7817]

Radio Broadcasting Services; Ashland, CA, Rolla and Monroe City, MO

AGENCY: Federal Communications Commission.

ACTION: Order to Show Cause; correction.

SUMMARY: This document makes a correction to an Order to Show Cause, DA 93-1192, released on October 27, 1993, published at 58 FR 58533, November 2, 1993. Paragraphs four, five and six of the Order inadvertently referred to Town and Country as the party filing the petition for reconsideration instead of Sobocomo. Accordingly, reference to Town and Country is corrected to read Sobocomo.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsels follows: David G. O'Neil, Haley, Bader & Potts, 4350 North Fairfax Drive, suite 900, Arlington, Virginia 22203-1633.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Erratum Docket No. 91-181, released November 26, 1993. The full text of this

Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Victoria M. McCauley,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-29394 Filed 12-1-93; 8:45 am]

BILLING CODE 6712-1-M

DEPARTMENT OF ENERGY

48 CFR Parts 904, 917, 936, 943, 952, and 970

Acquisition Regulation; Updated Coverage

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is amending the Department of Energy Acquisition Regulation (DEAR) to update existing coverage, to delete obsolete coverage, and to clarify existing guidance in specified areas addressing sensitive foreign nation controls, special research contracting, rental of construction equipment, use of Standard Form 30, Amendment of Solicitation Modification of Contract, incorporation of contract clauses by reference, subcontractor representations and certifications, and conduct of contractor employees. All of these changes are summarized in the "Section-by-Section Analysis" appearing later in this document.

DATES: Written comments should be submitted no later than January 31, 1994.

ADDRESSES: Comments should be forwarded to the Procurement Policy Division at the address indicated below.

FOR FURTHER INFORMATION CONTACT:

Kevin M. Smith, Procurement Policy Division (HR-521.1), Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8189.

Sophie C. Cook, Office of the Assistant General Counsel for Procurement and Finance (GC-34), Department of Energy, 1000 Independence Avenue,